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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic,
Social and Cultural Rights

ARGENTINA

1. The Committee considered the second periodic report of the Republic of Argentina on articles 6-12 of the Covenant (E/1990/5/Add.18) at its 30th, 31st and 34th meetings on 22 and 24 November 1994 and adopted1/ the following concluding observations:

A. Introduction

2. The Committee expresses its thanks to the Government of the Republic of Argentina for submitting its second periodic report in 1993 and welcomes the additional information provided by the Government on articles 9-12.

3. The Committee reiterates the obligation of States parties to submit full reports relating to the articles under consideration and specifically to the issues communicated to them before the consideration of each report. The Committee emphasizes that the objective must be to present a clear picture of the situation with regard to economic, social and cultural rights in the country's report; even though information submitted previously to another treaty body does not need to be repeated in the Committee, it is the responsibility of the State to make appropriate references in conformity with article 17 (3).

4. The Committee has considered with interest Argentina's written report, which contains important legal information, and has listened to the oral presentation, which placed the written report in a macroeconomic perspective. Nevertheless, the Committee notes the absence of specific information

1/ At its 54th meeting (eleventh session) held on 8 December 1994.

necessary in order to ascertain whether economic, social and cultural rights are being respected in Argentina, both collectively and individually.

5. The Committee acknowledges the reference made by the Government to a report which it had submitted to the Committee on the Rights of the Child. Since at present our Committee does not limit the consideration of articles 10-12 to the well-being of the child, the Committee welcomes the indications by the Government that it will submit to the Committee additional information on the remaining issues dealt with in these articles.

B. Positive aspects

6. The Committee welcomes the economic progress achieved by Argentina in recent years, especially in efforts to combat inflation, and in the areas of monetary stability and real economic growth. The Committee considers that these conditions are conducive to the promotion of economic, social and cultural rights, although their implementation does not necessarily derive from them.

7. The Committee notes with satisfaction the Government's programmes and activities relating to the rights of the family and the child. Mother and child care has been actively pursued and documented, and the "school canteen programme" appears to be receiving appropriate government support.

8. The Committee takes note of the Government's plan to facilitate home ownership by tenants illegally occupying government property by giving them the opportunity to purchase the land they are occupying at preferential loan rates. Although more factual data are required to ascertain how many people and families have found a permanent solution through the "land plan", the Committee welcomes the concept underlying the plan.

9. In this context, the Committee notes the Government's efforts to increase the percentage of the budget devoted to public welfare, particularly in the area of workers' pensions. It also notes the expressed intention of the Government to initiate periodic programmes for the training of unemployed and underemployed persons.

C. Factors and difficulties impeding the implementation of the Covenant

10. The Committee acknowledges the difficulties encountered by Argentina since democracy was restored in 1983. The efforts to deal with the growing demand for public services have been paralysed by a substantial fiscal

deficit, the external debt and the hyperinflation inherited from the pre-democratic years.

11. Adjustment to a more rational economic order has been difficult for Argentine society as a whole and for Argentine workers in particular. The Government has succeeded in stabilizing the value of the currency but the implementation of the structural adjustment programme may harm certain social groups. In the light of this policy, it is unclear whether the Government has taken measures to resolve the problem of housing and pensions.

D. Principal subjects of concern

12. The Committee notes with concern the way in which on the "temporary" workers, as they are known in Argentina, are treated since the measures taken to guarantee the economic, social and cultural rights of "temporary" workers appear inadequate, particularly in times of growing unemployment.

13. The Committee also notes with concern the extension of the Government's privatization of pensions programme. The basic payment system, to which all are entitled, is gradually being replaced by a new capitalization scheme whose return depends on the pensioner's contributions. This calls in question the prospects for those who are unable to capitalize adequate pensions, including lower-paid workers, and unemployed and underemployed persons.

14. In connection with the Government's training programme, the Committee has been unable to evaluate the need for it and the impact of such programmes owing to the absence of statistics on the population affected.

15. The Committee acknowledges the initiatives taken by the Government to overcome the housing shortage in Argentina. However, there is no indication that its policies, whether those currently under way or those planned for the future, are adequate to meet all the needs.

16. The Committee specifically notes with concern the legal provision permitting rent increases of about 12 per cent, approximately double the previous year's inflation rate, while wages are apparently frozen.

17. The Committee is very concerned at the large number of illegal occupations of buildings particularly in Buenos Aires and at the conditions in which expulsions are carried out. The Committee draws the attention of the Government to the full text of its General Comment No. 4 on "the Right to

Adequate Housing (article 11 (1) of the Covenant)" and urges the Government to ensure that policy, legislation and practice take due account of that General Comment.

18. The Committee, while conscious of the Government's efforts to increase awareness of hygiene and safety in the workplace through public campaigns, observes that such campaigns have not proved effective and that hygiene and safety in the workplace are frequently below established standards.

19. Despite the suggestion made by the Representative of the Government that the indigenous population in Argentina is small, the Committee is nevertheless surprised at the absence of information about specific programmes adopted by the Government to guarantee the economic, social and cultural rights of the ethnic minorities.

E. Suggestions and recommendations

20. In the light of the inadequacy of the report and the additional information submitted by the Government of Argentina, the Committee invites the Government to submit a further report containing full details relating to articles 9-11 of the Covenant. The Committee emphasizes that the new report and all subsequent reports ought to be drafted in conformity with the Committee's revised guidelines of 1990 (E/C.12/1991/1) and that the new report must also refer to the issues mentioned in the questionnaire communicated to the Government before the commencement of the dialogue.

21. The Committee urges the Government to analyse the reasons for the lack of effectiveness of its initiatives in the area of safety and hygiene in the workplace and to make greater efforts to improve all aspects of environmental and industrial hygiene and safety.

22. In relation to the stabilization programmes, the Committee, while acknowledging the great success achieved through privatization and decentralization at the macroeconomic level, observes that such measures are not being adequately monitored and thus are leading to the violation of economic, social and cultural rights.